

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERTA SHANK and BILL  
SHANK d/b/a CHIEF'S  
JANITORIAL,

Plaintiffs,

vs.

ALLEN HORAK, DEPARTMENT  
OF ROADS, DISTRICT 4  
OPERATIONS AND  
MAINTENANCE MANAGER,  
Individually, and ALAN  
GALAWAY, NEBRASKA  
DEPARTMENT OF ROADS,  
MAINTENANCE MANAGER,  
Individually,

Defendants.

4:06CV3253

**MEMORANDUM  
AND ORDER**

Defendants' counsel has filed a motion (filing 39) to amend the defendants' brief in support of their motion for summary judgment and to dismiss (filing 31).

IT IS ORDERED:

1. Defendants' motion (filing 39) for leave to amend Defendants' brief in support of their motion for summary judgment and to dismiss to comply with NECivR 56.1(a)(1) is granted;
2. Defendants shall submit their amended brief, containing a separate statement of material facts, in support of their motion for summary judgment and to dismiss on or before August 24, 2007, along with Defendants' reply to Plaintiffs' brief in opposition to Defendants' motion

for summary judgment and to dismiss;

3. Plaintiffs shall then have until September 5, 2007, to submit a response to Defendants' amended brief, but only with regard to amendments made by Defendants in the added statement of material facts;
4. The Clerk of Court shall adjust the court's internal computerized record-keeping system to reflect that the "response due" date on Filing 31, Defendants' motion for summary judgment and to dismiss, is September 5, 2007.

August 20, 2007.

BY THE COURT:  
*s/ Richard G. Kopf*  
United States District Judge